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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

DODDS, HAROLD E

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 01/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/462,928

Applicant(s)

O'CONNOR, PAUL MICHAEL

Examiner

Harold E. Dodds, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-30 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 5 is objected to under 37 CFR 1.75(c) as being in improper form because of a multiple dependent claim 4. See MPEP § 608.01(n). Accordingly, the claim 5 has not been further treated on the merits.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6-7, 14-22, and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick (U.S. Patent No. 5,717,923), Kravitz (U.S. Patent No. 6,029,150), and Geerlings (U.S. Patent No. 6,073,112).

5. Dedrick rendered obvious independent claims 1 and 16 by the following:
- “...storing in an interaction database interaction data...” at col. 2, lines 15-20.
- “...the interaction database...” at col. 2, lines 15-20.
- “...storing in a demographics database demographic data...” at col. 12, lines 7-11.
- “...updating the interaction database...” at col. 5, lines 60-63.
- “...retrieving from the interaction and demographics databases...” at col. 10, lines 5-12.

"...data retrieved from the interaction and demographics databases...." at col. 10, lines 5-12.

Dedrick does not teach the interaction of customer and merchant data, the use of data representing existing or prospective customers, and the generation of reports.

6. However, Kravitz teaches the interaction of customer and merchant data as follows:

"...representing interactions between customers and merchants, comprising interaction data of interactions involving different merchants..." at col. 11, lines 64-67 and col. 12, lines 1-2.

"...with interaction data obtained from interactions between customers and merchants..." at col. 11, lines 64-67 and col. 12, lines 1-2.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to have an interaction database for interactions or transactions between customers and merchants in order to maintain a record of these transactions for future reference.

Kravitz does not teach the use of data representing existing or prospective customers and the generation of reports.

6. However, Geerlings teaches the use of data representing existing or prospective customers and the generation of reports as follows:

"...data representing existing and/or prospective customers of one or more merchants..." at col. 1, lines 24-28.

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"...representing existing and/or prospective customers of two or more merchants..." at col. 1, lines 24-28.

"...generating a report..." col. 15, lines 2-13.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to capture interactions with existing customers and to build lists of perspective customers in order to develop marketing strategy for the merchant's services or products. Likewise, it would have been obvious to one ordinarily skilled in the art at the time of the invention to produce reports to summarize data in the database into meaningful summaries for the merchant.

7. As per claims 2 and 17, the "...interaction database..." is taught by Dedrick at col. 2 lines 15-20 and the "...demographics database are maintained as separate databases..." is taught by Dedrick at col. 12, lines 7-11.

8. As per claims 3 and 18, the "...interaction database..." is taught by Dedrick at col. 2 lines 15-20 and the "...demographics database are maintained as a single database..." is taught by Dedrick at col. 12, lines 7-11.

9. As per claims 4 and 19, the "...interaction data includes a customer identifier..." is taught by Kravitz at col. 7, lines 21-25. and the "...merchant identifier..." is taught by Kravitz at col. 28, line 16.

10. As per claim 20, the "...interaction data includes date and/or time data..." is taught by Kravitz at col. 14, lines 35-36.

11. As per claims 6 and 21, the "...one or more interactions has a monetary value, and the interaction data obtained from the interaction includes the monetary value..." is taught by Kravitz at col. 14, line 37.

12. As per claims 7 and 22, the "...interactions stored in the interaction database..." is taught by Decrick at col. 2, lines 15-20, the "...comprise commercial transactions..." is taught by Kravitz at col. 11, lines 51-55, and the "...between customers and merchants..." is taught by Kravitz at col. 11, lines 64-67 and col. 12, lines 1-2.

13. As per claims 14 and 29, the "...report..." is taught by Geerlings at col. 15, lines 2-13, the "...includes demographic data..." is taught by Dedrick at col. 12, lines 7-11, and the "...representing the customers of a merchant. ...," is taught by Kravitz at col. 11, lines 64-67 and col. 12, lines 1-2.

14. As per claims 15 and 30, the "...report..." is taught by Geerlings at col. 15, lines 2-13, the "...includes demographic data..." is taught by Dedrick at col. 12, lines 7-11, and the "...representing the customers of two or more merchants....," is taught by Kravitz at col. 11, lines 64-67 and col. 12, lines 1-2.

15. Claims 8 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick, Kravitz, and Geerlings as applied to claims 7 and 22 above, and further in view of Sirbu et al. (U.S. Patent No. 5,809,144).

As per claims 8 and 13, the "...the customer identifier..." is taught by Kravitz at col. 7, lines 21-25,
the "...merchant identifier..." is taught by Kravitz at col. 28, line 16,
the "...comprise an account number..." is taught by Kravitz at col. 3, lines 32-37,
the "...of the customer identifier..." is taught by Kravitz at col. 7, lines 21-25,
the "...merchant identifier..." is taught by Kravitz at col. 28, line 16,
the "...customer identifier..." is taught by Kravitz at col. 7, lines 21-25,
the "...merchant identifier..." is taught by Kravitz at col. 28, line 16,
the "...from the commercial transactions..." is taught by is taught by Kravitz at col. 11, lines 51-55,
but the "...being obtained by one or more financial institutions..." is not taught by either Dedrick, Kravitz, or Geerlings.

However, Sirbu teaches the use of customer and merchant accounts by financial institutions as follows:

"...funds in a customer's account can be replenished from a bank or credit card; similarly, funds in a merchant's account are made available by depositing them in the merchant's bank account in financial institution 18..." at col. 3, lines 65-67 and col. 4, line 1.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to obtain customer and merchant accounts from financial institutions in order to designate unique account numbers in the transaction database, which had already been assigned by the financial institution.

16. Claims 9, 10, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick, Kravitz, and Geerlings as applied to claims above, and further in view of Kawecky et al. (U.S. Patent No. 5,963,625).

As per claims 9 and 24, the "...interactions stored in the interaction database..." is taught by Dedrick at col. 2, lines 15-20,
the "...comprise communications between customers and merchants..." is taught by Kravitz at col. 14, lines 64-37 and col. 15, lines 1-2,
but the "...provided by one or more telecommunications service providers..." is not taught by either Dedrick, Kravitz, or Geerlings.

However, Kawecky teaches the use of telecommunications service providers as follows:

"...when an LEC 110 (150) disconnects a subscriber to local service for non-payment, the subscriber may be automatically input to the sponsor ANI tabular data as well as that maintained for a telecommunications service provider ..." at col. 8, lines 11-15

It would have been obvious to one ordinarily skilled in the art at the time of the invention to use information from telecommunications service providers as the source of data for the interaction database in order to provide information about the participants of a transaction.

17. As per claims 10 and 25, the "...customer identifier..." is taught by Kravitz at col. 7, lines 21-25,
the "...merchant identifier..." is taught by Kravitz at col. 28, line 16,
the "...customer identifier..." is taught by Kravitz at col. 7, lines 21-25,

the "...merchant identifier..." is taught by Kravitz at col. 28, line 16,
but the "...comprise telephone numbers..." and
"...being obtained by the telecommunications service providers..." are not taught by
either either Dedrick, Kravitz, or Geerlings.

However, Kawecky teaches the use of telephone numbers and the use of
telecommunications service providers as follows:

"...All the data, for example, calling party name, address,
telephone number, credit card number, etc. can be used to track
callers who do not pay for 900 pay services. For example, when
an LEC 110 (150) disconnects a subscriber to local service for
non-payment, the subscriber may be automatically input to the
sponsor ANI tabular data as well as that maintained for a
telecommunications service provider..." at col. 8, lines 15.

It would have been obvious to one ordinarily skilled in the art at the time of the
invention to use information from telecommunications service providers as the source of
telephone numbers of customers and merchants for the interaction database in order to
provide information about the participants of a transaction.

18. Claims 11 and 26 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Dedrick, Kravitz, and Geerlings as applied to claims 1 and 15 above
repectively, and further in view of Hanson et al. (U.S. Patent No. 5,974,398).

As per claims 11 and 26, the "...interactions stored in the interaction database..."
is taught by Dedrick at col. 2, lines 7-11,
"...between customers and merchant..." is taught by Kravitz at col. 11, lines 64-67 and
col. 12, lines 1-2,

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but the "...comprise data network communications..." and "...provided by one or more data network service providers..." are not taught by either Dedrick, Kravitz, or Geerlings.

However, Hanson teaches the use of data network communications and data network service providers as follows:

"...FIG. 1 shows an on-line service platform 100 connected to an advertiser workstation 120 via a data network 130. Data network 130, in this illustrative example of the invention, comprises a conventional data transport network such as that available from communication service providers..." at col. 2, lines 58-63.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to store transactions between customers and merchants on a data communications network provided by data network service providers on the interaction database in order to maintain a record of the transactions between customers and merchants on this medium.

19. Claims 12 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick, Kravitz, Geerlings, and Hanson as applied to claims 11 and 26 above respectively, and further in view of Silverman (U.S. Patent No. 6,252,869).

As per claims 12 and 27, the "...customer identifier..." is taught by Kravitz at col. 7, lines 21-25,

the "...merchant identifier..." is taught by Kravitz at col. 28, line 16,

the "...customer identifier..." is taught by Kravitz at col. 7, lines 21-25,

the "...merchant identifier..." is taught by Kravitz at col. 28, line 16,

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the "...being obtained by the data network service providers..." is taught by Hanson at col. 2, lines 58-63,

but the "...comprise data network addresses..." is not taught by either Dedrick, Kravitz, Geerlings, or Hanson.

However, Silverman teaches the use of network addresses as follows:

"...The term "network address " as used herein means the mechanism for identifying the user and could be the Internet protocol address or any other mechanism for identifying the user on the Internet or on any other network..." at col. 7, lines 66-67 and col. 8, lines 1-3.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to use network addresses to identify customers and merchants, who use data communications network in order to use a standard identification means for users of this medium.

20. Claims 13 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick, Kravitz, and Geerlings as applied to claims 1 and 15 above respectively, and further in view of Carles (U.S. Patent No. 5,661,516).

As per claims 13 and 38, the "...report..." is taught by Geerlings at col. 15, lines 2-13,
the "...in addition to data retrieved from the interaction...database..." is taught by Dedrick at col. 2, lines 15-20,
the "...demographics database..." is taught by Dedrick at col. 12, lines 7-11,
but the "...is based on census data..." is not taught by either Dedrick, Kravitz, or Geerlings.

However, Carles teaches the use of census data as follows:

"...Using demographic, census and survey data, and other available data, information about these households in a wide range of categories is gathered..." at col. 5, lines 11-14.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to use census data along with data retrieved from the interaction and demographics databases in order to provide more informative reports for the user.

Conclusion

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harold E. Dodds, Jr. whose telephone number is (703)-305-1802. The examiner can normally be reached on Monday - Friday 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (703)-305-9790. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-305-9730 for regular communications and 703-746-7238 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Harold E. Dodds, Jr.

Harold E. Dodds, Jr.
Patent Examiner
January 10, 2002

John E. Breene

JOHN BREENE
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